

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

NATIONAL LIABILITY & FIRE INSURANCE CO.	:	
	:	
and	:	
	:	
BOAT OWNERS ASSOCIATION OF THE	:	Civil Action No: 17-38-WES-PAS
UNITED STATES	:	
	:	In Admiralty
Plaintiffs,	:	
	:	
v.	:	
	:	
NATHAN CARMAN	:	
	:	
Defendant.	:	

**PLAINTIFFS' FOURTH MOTION TO COMPEL
DISCOVERY FROM DEFENDANT**

Plaintiffs NATIONAL LIABILITY & FIRE INSURANCE COMPANY and BOAT OWNERS ASSOCIATION OF THE UNITED STATES respectfully move pursuant to Fed. R. Civ. P. 37(a)(3)(C) to compel Defendant's substantive deposition answers, (without asserting any U.S. Constitution Fifth Amendment or other privileges) on the purchase, whereabouts, and production of the Sig Sauer 716 Patrol .308 caliber rifle, Serial # 22C012790, he purchased at Shooters Outpost in Hookset, NH on November 11, 2013.

Plaintiffs obtained those purchase and sale documents by *subpoena duces tecum* on July 26, 2018, attached to this motion as Ex. 1. A Declaration of Jed Warner, the Shooters Outpost Sales Associate, is attached as Ex. 2.

Nathan Carman's substantive deposition testimony should be ordered resumed on the topic of his purchase of that rifle and its whereabouts, including what he did with

that rifle after purchasing it, did it kill his grandfather, why was it not found by search warrant, what has happened to it, how long did Nathan Carman possess it, and where is it now? If he still has possession, custody, or control of the rifle, he must bring it to the deposition (without ammunition).

A brief in support of this fourth motion to compel, which addresses Nathan Carman's July 17, 2018 resumed deposition, and attaches as an exhibit that deposition transcript, will both be filed under seal in accordance with the December 29, 2017 Protective Order, ECF No. 35.

CERTIFICATION

I certify I conferred by email on July 30 and by telephone on July 31, 2018 with Defendant's Attorney Anderson in an effort to obtain this needed but thus far evasive and incomplete discovery from Defendant, without Court action. Attorney Anderson assented only to Plaintiffs' filing under seal both Nathan Carman's July 17, 2018 deposition and Plaintiffs' brief in support of our fourth motion to compel.

RESPECTFULLY SUBMITTED August 3, 2018.

PLAINTIFFS

/s/ David J. Farrell, Jr.

David J. Farrell, Jr.

Pro Hac Vice

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CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2018 I filed this motion via the CM/ECF System, through which a copy will be electronically served on Attorneys Anderson and Humphrey.

/s/ David J. Farrell, Jr.